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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

RACHEL MARIE MONTGOMERY RAY, an )  
individual, and RIKKIANNE CHATFIELD, )  
an individual, )

Plaintiffs, )

vs. )

DZOGCHEN SHRI SINGHA FOUNDATION )  
USA, INC., a Nevada corporation authorized )  
to do business in Oregon; DZOGCHEN SHRI )  
SINGHA OF PORTLAND, an Oregon )  
corporation; DZOGCHEN BUDDHA PATH )  
INTERNATIONAL, INC., an Oregon )  
corporation; CARRIE URE, an individual; )  
SEAN YOUNG, an individual; SHANNON )  
YOUNG, an individual; TIM BATESON, an )  
individual; ERIK JUNG, an individual, )

Defendants. )

Case No.: 3:23-cv-00233-SI

**DEFENDANT SEAN YOUNG'S  
ANSWER, AFFIRMATIVE  
DEFENSES, AND COUNTERCLAIM  
TO PLAINTIFFS' AMENDED  
COMPLAINT**

COMES NOW, Defendant Sean Young (hereinafter referred to as  
"Young"), by and through his attorney, Dan R. Schanz of Schanz Lawler, P.C., and  
hereby answers the Plaintiffs' Amended Complaint and alleges as follows:

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1.

Defendant Young denies the allegations in paragraphs 1 – 9 of Plaintiffs’ Amended Complaint or lacks sufficient knowledge to form a belief as to the truth of the allegations contained in paragraphs 1 – 9 of Plaintiffs’ Amended Complaint, and therefore, Defendant Young denies the same.

2.

Defendant Young admits the allegations of paragraphs 11 & 12 of Plaintiffs’ Amended Complaint.

3.

In response to paragraph 13, Defendant Young admits that Defendant Dzogchen Shri Singha Foundation USA, Inc. (hereinafter referred to as “DSSF”) is a Nevada nonprofit corporation and further admits that Defendant Young is the President; Defendant Carrie Ure was the former Secretary; Defendant Tim Bateson is the Treasurer; Defendant Erik Jung is a Director; and Defendant Shannon Young is also a member. Defendant Young denies the remaining allegations in paragraph 13.

4.

The allegations contained in paragraphs 14 – 17 of the Plaintiffs’ Amended Complaint are not directed toward Defendant Young, and therefore, Defendant Young denies these allegations at this time.

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1 5.

2 In response to paragraph 18, Defendant Young admits that he was a  
3 secretary of Defendant Dzogchen Buddha Path International, Inc. from its inception in  
4 2018 until the present. Defendant Young denies that he acted as an agent for the named  
5 Defendants. Defendant Young further admits that he became the President of  
6 Defendant DSSF in 2015. Defendant Young further admits that he participated in and  
7 supported spiritual retreats, classes, lectures, and other supporting activities on behalf of  
8 Defendant DSSF. Except as expressly admitted herein, Defendant Young denies the  
9 remaining allegations alleged in paragraph 18 of Plaintiffs' Amended Complaint.  
10

11 6.

12 The allegations contained in paragraphs 19 – 22 are not directed toward  
13 Defendant Young, and therefore, Defendant Young denies these allegations at this time.  
14

15 7.

16 Defendant Young denies the allegations contained in paragraph 23 of the  
17 Plaintiffs' Amended Complaint.  
18

19 8.

20 The allegations contained in paragraphs 24 – 32 are not directed to  
21 individual Defendant Young, and Defendant Young lacks sufficient knowledge to form  
22 a belief as to the truth of these allegations, and therefore, denies the same.  
23

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9.

In response to paragraph 33, Defendant Young denies that “Choga” arranged for paid employment with Defendants Sean and Shannon Young at The Center. Defendant Young lacks sufficient knowledge to form a belief as to the truth of the remaining allegations in paragraph 33 of Plaintiffs’ Amended Complaint, and therefore, denies the same.

10.

In response to paragraphs 34 – 36, Defendant Young lacks sufficient knowledge to form a belief as to the truth of these allegations, and therefore, Defendant Young denies the same.

11.

In response to paragraphs 37 – 38, Defendant Young lacks sufficient knowledge to form a belief as to the truth of the allegations contained in these paragraphs, and therefore, Defendant Young denies the same.

12.

In response to paragraph 39 of Plaintiffs’ Amended Complaint, Defendant Young admits that Plaintiff Rachel Marie Montgomery Ray did provide childcare services to Defendants Shannon and Sean Young. In further response to paragraph 39 of Plaintiffs’ Amended Complaint, Defendant Young lacks sufficient knowledge to form a belief as to the truth of the remaining allegations contained in this paragraph, and therefore, denies the same.

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13.

The allegations contained in paragraphs 40 – 43 are not directed toward Defendant Young, and therefore, Defendant Young denies these allegations at this time.

14.

In response to paragraph 44, Defendant Young denies the allegations contained in this paragraph to the extent they are directed to him as an individual Defendant.

15.

The allegations contained in paragraph 45 of the Plaintiffs' Amended Complaint are not directed toward Defendant Young, and therefore, Defendant Young denies these allegations at this time.

16.

In response to paragraphs 46 – 47 of Plaintiffs' Amended Complaint, Defendant Young denies these allegations.

17.

The allegations contained in paragraphs 48 – 49 of the Plaintiffs' Amended Complaint are not directed toward Defendant Young individually, and therefore, Defendant Young denies these allegations at this time.

18.

To the extent paragraph 50 of Plaintiffs' Amended Complaint is directed to Defendant Young individually, Defendant Young denies the allegations contained in this paragraph.

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19.

The allegations contained in paragraph 51 are not directed toward Defendant Young individually, and therefore, Defendant Young denies the allegations at this time, and also lacks sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, further supporting his denial at this time.

20.

In response to paragraph 52, Defendant Young lacks sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore, denies the same. To the extent this paragraph is directed to Defendant Young individually, Defendant Young admits that Plaintiff Montgomery did provide childcare services directly to Defendant Young and his spouse. Except as expressly admitted herein, Defendant Young denies the remaining allegations contained in paragraph 52 of Plaintiffs' Amended Complaint.

21.

The allegations contained in paragraphs 53 – 54 of Plaintiffs' Amended Complaint are not directed toward Defendant Young, and therefore, Defendant Young denies these allegations at this time, and also lacks sufficient knowledge to form a belief as to the truth of these allegations, and therefore denies the same.

22.

To the extent paragraph 55 is directed to Defendant Young as an individual Defendant, he denies the allegations contained in paragraph 55.

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23.

The allegations contained in paragraphs 56 – 61 of the Plaintiffs’ Amended Complaint are not directed toward Defendant Young individually, and therefore, Defendant Young denies these allegations at this time. Defendant Young also lacks sufficient knowledge to form a belief as to the truth of the allegations contained in these paragraphs, and therefore, denies the same.

24.

To the extent that the allegations contained in paragraphs 62 – 63 of Plaintiffs’ Amended Complaint are directed to Defendant Young as an individual, he specifically denies the allegations contained in these paragraphs.

25.

The allegations contained in paragraphs 64 – 65 of Plaintiffs’ Amended Complaint are not directed toward Defendant Young individually. To the extent paragraphs 64 – 65 are directed to Defendant Young individually, Defendant Young lacks sufficient knowledge to form a belief as to the truth of these allegations, and therefore, denies the same.

26.

The allegations contained in paragraph 66 of Plaintiffs’ Amended Complaint are not directed toward Defendant Young individually, and therefore, he denies these allegations at this time.

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27.

The allegations contained in paragraphs 67 – 71 are not directed toward Defendant Young individually, and therefore, Defendant Young denies these allegations at this time. Defendant Young also lacks sufficient knowledge to form a belief as to the truth of the allegations contained in these paragraphs, and therefore, denies the same.

28.

To the extent paragraph 72 of Plaintiffs' Amended Complaint is directed to Defendant Young individually, Defendant Young denies the allegations contained in this paragraph or lacks sufficient knowledge to form a belief as to the truth of these allegations, and therefore, denies the same.

29.

The allegations contained in paragraphs 73 – 75 are not directed toward Defendant Young, and therefore, Defendant Young denies these allegations at this time. Defendant Young also lacks sufficient knowledge to form a belief as to the truth of the allegations contained in these paragraphs, and therefore, denies the same.

30.

In response to paragraph 76, Defendant Young denies that he was present at the event alleged in this paragraph.

31.

The allegations contained in paragraphs 77 – 85 are not directed toward Defendant Young, and therefore, Defendant Young denies these allegations at this time. Defendant Young also lacks sufficient knowledge to form a belief as to the truth of these allegations, and therefore, denies the same.



1 32.

2 In response to the allegations contained in paragraphs 86 – 87 of  
 3 Plaintiffs’ Amended Complaint, Defendant Young admits that he was aware that in or  
 4 around September 14, 2014, Plaintiff Montgomery sent a letter to John Sellard, and  
 5 John Sellard responded to the letter in October of 2014. These letters speak for  
 6 themselves. To the extent the allegations contained in paragraphs 86 – 87 are  
 7 inconsistent with or in addition to the writings, Defendant Young denies the remaining  
 8 allegations of these paragraphs.  
 9

10 33.

11 Defendant Young lacks sufficient knowledge to form a belief as to the  
 12 truth of the allegations contained in paragraph 88 of the Plaintiffs’ Amended Complaint,  
 13 and therefore, denies the same.

14 34.

15 The allegations contained in paragraphs 89 – 126 of Plaintiffs’ Amended  
 16 Complaint are not directed toward Defendant Young, and therefore, Defendant Young  
 17 denies these allegations at this time. Defendant Young also lacks sufficient knowledge  
 18 to form a belief as to the truth of the allegations contained in these paragraphs, and  
 19 therefore, denies the same.  
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35.

In response to the allegations contained in paragraphs 127 – 131, the allegations contained in paragraphs 127 – 131 are not directed toward Defendant Young, and therefore, he denies the same. Defendant Young further lacks sufficient knowledge to form a belief as to the truth of the allegations contained in these paragraphs, and further denies the same. Defendant Young specifically denies that Plaintiff Montgomery lacked knowledge of the wrongfulness of the alleged conduct until January 2021, as alleged.

36.

The allegations contained in paragraphs 132 – 137 are not directed toward Defendant Young, and therefore, Defendant Young denies these allegations at this time. Defendant Young denies that Plaintiff could not have discovered prior to May 2023 that the alleged conduct was wrongful and caused her harm.

37.

To the extent the allegations contained in paragraphs 138 – 139 are directed to Defendant Young individually, Defendant Young denies these allegations.

38.

To the extent the allegations contained in paragraphs 140 – 142 are directed to Defendant Young individually, Defendant Young lacks sufficient knowledge to form a belief as to the truth of these allegations, and therefore, denies the same.

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39.

Except as expressly admitted herein, Defendant Young denies each and every remaining allegation contained in the Plaintiffs' Amended Complaint and the whole thereof and/or lacks sufficient information or knowledge to form a belief as to the truth of the matters asserted, and therefore, denies the same at this time.

\* \* \* \* \*

**FOR A FURTHER AND SEPARATE ANSWER AND FIRST  
AFFIRMATIVE DEFENSE,** Defendant Young alleges:  
**(Statute of Limitations)**

40.

Realleges and incorporates by reference all matters admitted, denied, and alleged in the Answer above.

41.

One or more of Plaintiffs' claims are barred based on a failure to commence and serve the claims within the time allowable by law, statute, and/or procedural rule.

\* \* \* \* \*

**FOR A FURTHER AND SEPARATE ANSWER AND SECOND  
AFFIRMATIVE DEFENSE,** Defendant Young alleges:  
**(Failure to State a Claim)**

42.

Realleges and incorporates by reference all matters admitted, denied, and alleged in the Answer above.

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43.

Plaintiffs have failed to state ultimate facts sufficient to constitute claims for relief against Defendant Young.

\* \* \* \* \*

**FOR A FURTHER AND SEPARATE ANSWER AND THIRD AFFIRMATIVE DEFENSE,** Defendant Young alleges:

**(Failure to Mitigate Damages)**

44.

Realleges and incorporates by reference all matters admitted, denied, and alleged in the Answer above.

45.

Plaintiffs have failed to mitigate their damages, if any.

\* \* \* \* \*

**FOR A FURTHER AND SEPARATE ANSWER AND FOURTH AFFIRMATIVE DEFENSE,** Defendant Young alleges:

**(First Amendment Constitution/Oregon Constitutional Rights)**

46.

Realleges and incorporates by reference all matters admitted, denied, and alleged in the Answer above.

47.

Plaintiffs cannot sustain one or more claims against Defendant Young as they are based on conduct and/or statements that are protected by the First Amendment of the Constitution and/or the Oregon Constitution.

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\* \* \* \* \*

**FOR A FURTHER AND SEPARATE ANSWER AND FIFTH  
AFFIRMATIVE DEFENSE, Defendant Young alleges:  
(Real Party in Interest)**

48.

Realleges and incorporates by reference all matters admitted, denied, and  
alleged in the Answer above.

49.

Some or all of Plaintiffs' claims are not properly asserted against  
Defendant Young.

\* \* \* \* \*

**FOR A FURTHER AND SEPARATE ANSWER AND SIXTH  
AFFIRMATIVE DEFENSE, Defendant Young alleges:  
(Reservation of Rights for Additional Affirmative Defenses)**

50.

Realleges and incorporates by reference all matters admitted, denied, and  
alleged in the Answer above.

51.

Defendant Young reserves his right to plead additional affirmative  
defenses consistent with FRCP 8C and 12 constituting an avoidance or affirmative  
defense, or based upon any other legal theory, as the same may be revealed in  
disclosures and/or discovery in this matter.

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**FOR A FURTHER AND SEPARATE ANSWER AND EIGHTH**  
**AFFIRMATIVE DEFENSE AND FIRST COUNTERCLAIM**, Defendant Young  
alleges:

**(Attorney Fees)**

54.

Defendant Young should be awarded his attorney fees as provided by  
law, including applicable Federal and State of Oregon statutes related to defending this  
matter. Defendant Young demands a jury trial and requests his attorney fees incurred in  
defending this matter.

WHEREFORE, Defendant Young prays for judgment as follows:

1. That the Plaintiffs' Amended Complaint be dismissed and that Defendant Young be awarded judgment against Plaintiffs;
2. That the Court award Defendant Young his costs, disbursements, and fees incurred herein; and
3. That the Court grant Defendant Young any further relief that it deems just and proper under the circumstances.

DATED this 29<sup>th</sup> day of April, 2024.

SCHANZ LAWLER, P.C.

By /s/ Dan R. Schanz  
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*Attorney for Defendant Sean Young*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 29, 2024, I served a copy of the foregoing

**DEFENDANT SEAN YOUNG'S ANSWER, AFFIRMATIVE DEFENSES, AND**

**COUNTERCLAIM TO PLAINTIFFS' AMENDED COMPLAINT** on the

following:

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by serving a correct copy thereof, certified by me as such, by e-mail, electronic service & regular mail, contained in a sealed envelope, with postage paid, addressed to said attorney at his regular mailing address as noted above and deposited in the post office at Salem, Oregon. Between said post office and the address to which said copies were mailed, there is a regular communication by U.S. Mail.

DATED this 29<sup>th</sup> day of April, 2024.

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